

REMARKS

Claims 1-9 and 11-25 were pending. Claims 1-9 and 11-18 were elected with traverse. Claims 3, 4, 6-8 are cancelled herein. New claims 26-28 have been added. Accordingly, claims 1-2, 5, 9, 11-18 and 26-28 are being examined. Entry of these claims is requested.

Support for amended claim 2 may be found in the originally filed claim 2 and Figure 3. Support for amended claim 5 may be found in the originally filed claim 5 and Figure 3.

The amendment to claim 9 merely corrects a typographical error by amending "SEQ ID NO.:2" to "SEQ ID NO:2". No new matter is added. The amendment to claim 12 merely corrects the dependency of the claim. No new matter is added. The amendment to claim 17 merely corrects a typographical error by amending "CTLA" to "CTLA4". No new matter is added.

Support for new claim 26 may be found in the specifications of:

1. U.S. Serial No. 07/723,617, filed June 27, 1991 in originally filed Figure 3, SEQ ID NO:13 and SEQ ID NO:14; and at page 13, lines 3-6 and at page 15, lines 15-18.
2. U.S. Serial No. 08/228,208, filed April 15, 1994, in originally filed Figure 3, SEQ ID NO:13 and SEQ ID NO:14; and at page 20, lines 10-13 and at page 22, lines 20-22.
3. U.S. Serial No. 09/609,915, filed June 3, 2000 (subject application), in originally filed Figure 3, SEQ ID NO:2, and at page 58, lines 17-21, and at page 71, Table A.

Support for new claim 27 is found in the specifications of:

1. U.S. Serial No. 08/228,208, filed April 15, 1994, in originally filed Figure 3 and Table II at page 77; and at page 62, lines 1-4.
2. U.S. Serial No. 09/609,915, filed June 3, 2000 (subject application), in originally filed Table B at page 73, Figure 3 and SEQ ID NO:35; and at page 57, lines 16-18.

Support for new claim 28 is found in the specifications of:

1. U.S. Serial No. 08/228,208, filed April 15, 1994, at page 63, lines 16-35; page 64, lines 1-8; and at page 62, lines 1-4; Table I at page 76.
2. U.S. Serial No. 09/609,915, filed June 3, 2000 (subject application), at page 14, lines 12-22; page 69; Table A at page 71.

The sequences in Figures 3 of both U.S. Serial No. 07/723,617 and U.S. Serial No. 08/228,208 are identical to the sequence in Figure 3 in the subject application. Only the numbering is different. For example, in Figure 3 of the subject application, methionine is located at position +1; whereas in Figure 3 of U.S. Serial No. 07/723,617 and U.S. Serial No. 08/228,208, alanine is located at position +1.

Accordingly, the amendments to claims 2, 5, 9, 12 and 17 and the addition of new claims 26-28, do not introduce new matter, and their entry is respectfully requested.

RESTRICTION REQUIREMENT

The Patent Office is requiring a species election to one of the patentably distinct species of the chosen group for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 11-18 are generic.

ELECTION WITH TRAVERSE

Applicants hereby elect, with traverse, the species of claim 26. Applicants reserve the right to present additional species upon indication of an allowable generic claim.

Support for claim 26 is found in U.S. Serial No. 07/723,617 ('617 application), filed June 27, 1991 and thus claims priority to the '617 application.

Applicants: Peter S. Linsley, et al.
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CONCLUSION

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee, other than the fee for extension of time, is deemed necessary in connection with the filing of this response. Applicants hereby enclose a check in the amount of \$420.00 to cover the filing fees. If any further fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,



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